

Annual Town Meeting

**ARTICLE 8**

**ZONING BYLAW AMENDMENT/RESIDENTIAL  
DRIVEWAY AND PARKING ACCOMMODATION ZONING CHANGES**

To see if the Town will vote to amend the Zoning Bylaw to address design and construction of new residential driveways and parking accommodations by: amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to set the maximum allowable grade for driveways accessing below-grade garages for single, two-family, duplex, or three-family dwellings at 15 percent (15%) unless authorized by special permit; amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to require vegetated buffers; amending ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS to allow for incentives for surface parking at newly-constructed single, two-family, duplex or three-family dwellings; amending ARTICLE 8 SECTION 8.01 OFF-STREET PARKING REQUIREMENTS to decrease the number of off-street parking spaces required per dwelling unit from two (2) to one (1) for all single, two-family, duplex, or three-family dwellings; amending ARTICLE 6 SECTION 6 TABLE OF DIMENSIONAL AND DENSITY REGULATIONS to consider changes to minimum setbacks; or take any action related thereto.

(Inserted at the request of the Redevelopment Board)

**VOTED:** The Redevelopment Board voted unanimously (5-0) that the Zoning Bylaw is hereby amended by:

**AMENDING ARTICLE 8 SECTION 8.07 PARKING IN RESIDENTIAL DISTRICTS**

**Section 8.07 - Parking in Residential Districts**

a. For single, two-family or duplex, and three-family dwellings, off-street parking shall not be permitted in the area between the front lot line and the minimum front yard setback except on a driveway not exceeding twenty (20) feet in width leading to the required parking space(s). Off-street parking is permitted in (1) the side yard and rear yard on a paved driveway, or in the case of a corner lot of less than six thousand (6,000) square feet in the longer of the two front yards up to a maximum of 24 feet in width, or (2) in an attached or detached garage, or (3) within the foundation of a dwelling provided the garaging is specifically designed for that purpose. Any driveway leading to off-street parking on a lot cannot exceed a 15% downward slope, as measured from the farthest point from the front property line, except by Special Permit. A space designed for parking within an existing garage is determined to meet the requirements of an off-street parking space. Side yards used for parking shall have a vegetated buffer when abutting a lot used for residential purposes, to minimize visual impacts.

**AND AMENDING ARTICLE 8 SECTION 8.01 OFF-STREET PARKING REQUIREMENTS**

**Section 8.01 - Off-Street parking Requirements**

**TABLE OF OFF-STREET PARKING REGULATIONS**

Use	Number of off-street parking spaces per unit
Dwelling, one-, two-, and three-family units.	<u>Two (2) One (1)</u> per dwelling unit.

**COMMENT:** The Master Plan noted that “Arlington’s rising home values make it more difficult to preserve the social mix that many people characterize as one of its strengths” (p.87). And “high residential real estate values have led to demolition of smaller scale houses and their replacement with large homes out of scale with the existing neighborhood” (p.88). In response to these concerns, 2016 Annual Town Meeting was to form a Residential Study Group (RSG). The RSG began their work in September, and has met more than 25 times, a collective 850 hours by the 12 group members and three DPCD staff. The result has been two (2) zoning warrant articles, one for Annual Town Meeting and one for Special Town Meeting, as well as four (4) Town Bylaw Amendments.

Warrant Article 8 addresses the safety issues caused by steep downward sloping driveways and provides incentives for builders of new homes to build parking in the side yard rather than underneath the house with a steep driveway in the front yard. It limits the downward slope of a driveway to 15%. There are currently no limits on driveway slope. Some recently constructed driveways in Town have grades as high as 28%. These driveways break up the streetscape with wide driveways, curb cuts, and reduced front yard green space, and create safety issues for pedestrians and drivers because of inadequate sight lines for cars backing out of underground garages.

The incentive portion of Article 8 reduces the parking requirement from two (2) spaces to one (1) space per unit. The Arlington Zoning Bylaw requires parking spaces to be behind the front yard setback. This means that two spaces for a single-family house or four spaces for a two-family house have to be behind the setback line, which is 25 feet in a single-family (R1) zone and 20 feet in a two-family (R2) zone. (Section 8.07(a)) There is no prohibition against parking on a driveway in the front yard setback, but it does not count toward fulfilling the parking requirement. Allowing one parking space per unit could have the effect of reducing paved driveway area on a lot. The new bylaw also requires a vegetated buffer between driveways and side lot lines.

Special Town Meeting Warrant Article 1 would provide a second incentive, to allow more flexibility in the configuration of the contiguous open space on a lot. This provision would incentivize side yard driveways and garages in the rear of a lot. This provision does not reduce the amount of open space on the lot, just its configuration, and only in new construction.

Special Town Meeting

**ARTICLE 1**

**ZONING BYLAW AMENDMENT/DEFINITIONS**

To see if the Town will vote to amend the Zoning Bylaw to change the definition of "Open Space, Usable" by reducing the required horizontal dimension, to allow for incentives for surface parking at newly-constructed single, two-family, duplex or three-family dwellings; or take any action related thereto.

(Inserted at the request of the Town Manager on behalf of the Residential Study Group)

**VOTED:** The Redevelopment Board voted unanimously (5-0) to recommend the following Article, to promote smaller scale houses and driveways in side yards, and to promote public safety by amending the definition of "Open Space, Usable", as follows:

That Article 2, Section 2.01 of the Zoning Bylaw, be and hereby is amended so that the last line of the definition of "Open Space, Usable," reads as follows:

Open Space, Usable:

The part or parts of a lot designed and developed for outdoor use by the occupants of the lot for recreation including swimming pools, tennis courts or similar facilities, for garden or for household service activities such as clothes drying; which space is at least 75 percent open to the sky, free of automotive traffic and parking, and readily accessible by all those for whom it is required.

Such space may include open area accessible to and developed for the use of the occupants of the building, and located upon a roof not more than 10 feet above the level of the lowest story used for dwelling purposes. Open space shall be deemed usable only if: (1) at least 75 percent of the area has a grade of less than eight (8) percent and (2) no horizontal dimension is less than 25 feet. For newly constructed single-, two-family, and duplex dwellings where parking is at the surface level, no horizontal dimension shall be less than 20 feet.

**COMMENT:** This Article is intended to work in conjunction with Annual Town Meeting Article 8, to provide an additional incentive for builders of newly constructed homes to build at-grade parking, rather than in below-grade garages. The Arlington Zoning Bylaw requires that 30% of the gross floor area of a home be devoted to usable open space, defined as contiguous green space with a minimum area measuring 25' X 25'. This amendment will allow more flexibility in the configuration of the contiguous open space on a lot without reducing the overall requirement for open space on a lot or dimensional setbacks. Further, it provides an incentive to build at-grade garages, within the house, replacing the lost square footage on a lot. This provision does not reduce the required amount of open space (30%) on a lot, just its configuration, and only for newly constructed homes.

ARTICLE 11

BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: NEIGHBOR NOTIFICATIONS AND MEETINGS

VOTED: That Title VI, Article 7, be and is hereby amended as follows to add new categories of construction required for notice and additional substantive notice requirements:

ARTICLE 7 NOTICE OF DEMOLITION, OPEN FOUNDATION EXCAVATION, NEW CONSTRUCTION, OR LARGE ADDITIONS

- A. The owner of any building or parcel who intends to have such building demolished, engage in open foundation excavation, engage in new residential construction, or build a large addition must, at the least within at least seven (7) calendar days prior to the commencement of any site work (including demolition or open foundation excavation) or within seven (7) calendar days of the filing of an application for a Building Permit, whichever date is earlier prior thereto, give notice by first-class mail to all abutters and current occupants (to the extent practicable) within 200 feet of such building or construction site before such demolition, construction or open foundation excavation can commence.
- B. The notice required herein shall, at a minimum, contain a site plan for any applicable residential demolition, open foundation excavation, alteration or construction project, as well as information detailing the hours of operation for the project, anticipated completion date, work schedule, and health, safety, and abutting property protections, and as appropriate, noise abatement measures applied by the developer or contractor of the project.
- C. "Demolition" shall be defined as the act of pulling down, destroying, removing, or razing 50 % or more of a building, or commencing the work of total or substantial destruction with the intent of completing the same.

"Open foundation excavation" shall be defined as an open and exposed excavation for the purposes of constructing or expanding a residential building foundation. Satisfaction of open foundation excavation requirements of this Article shall not be construed to satisfy any additional requirements set forth in Title V Article 3 of these bylaws.

"Large additions" shall be defined as an alteration or addition in any residential district which increases the size of a building by 750 square feet or more, or by 50% or more of the existing building's gross floor area.

- D. When applying for Prior to issuance of a demolition or building permit, or commencing an open foundation excavation the applicant shall demonstrate to

the satisfaction of the Inspector of Buildings that he or she has given the notice required herein, by providing a list of those notified, a copy of the notice, and an affidavit stating when it was mailed.

**E. Violators of this bylaw will be subject to a fine of \$200 per day upon notification of the Building Inspector.**

(4-0) Mr. Greeley was absent.

**COMMENT:** This bylaw amendment is the first of a suite of recommendations from the Residential Study Group established at the 2016 Annual Town Meeting to examine and address some broadly shared concerns about the impacts of residential construction on neighbors and neighborhoods throughout Arlington. Specifically, the proposed motion expands: a) the categories of residential construction activities that trigger the requirement of owners, contractors, and/or developers to send a notice to abutters (neighboring owners and/or occupants) within 200 feet of the project site; and b) the required content of such notices to include site plans, project timelines and working hours, as well as other valuable information specific to a given project.

The Residential Study Group's believes that these expanded notices will help improve awareness of residential construction before it commences, foster shared expectations between contractors/builders and residents, and encourage communication and dialogue to address concerns and enable residents to plan accordingly. For example, it is particularly important for residents who work from home, or with young children or children with special needs to be apprised of potentially disruptive construction activities so they may plan accordingly; and similarly advise contractors of important circumstances to consider.

Finally, the Town Meeting action recommendations by the Group will be accompanied by both increased staffing in Inspectional Services and the development of a residential construction "good neighbor agreement" or set of rules that codifies all the relevant Town and State bylaws and regulations (including those before Town Meeting if approved) in one place so that contractors/builders and residents to further add clarity and mutual understanding to the rules and expectations of the Town. Thus, the Board, grateful for the time, energy, and teamwork of the Residential Study Group, highly recommends Town Meeting's approval of this amendment.

**ARTICLE 12**

**BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: BUILDING SITE MAINTENANCE**

**AND**

**ARTICLE 13**

**BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: ABUTTER AND PUBLIC PROPERTY PROTECTIONS**

**VOTED:** That Title VI be and hereby is amended to add a new article, "Article 9: Residential Construction Site Control and Maintenance," to read as follows:

**ARTICLE 9: RESIDENTIAL CONSTRUCITON SITE CONTROL AND MAINTENANCE**

**A. Purpose and Applicability**

The purpose of this article is to establish construction site maintenance requirements for residential demolition, open foundation excavation, new construction, and large addition projects in the interests of minimizing adverse impacts on the neighboring community and promoting public health and safety.

**B. Definitions**

1. "Demolition" shall be defined as the act of pulling down, destroying, removing, or razing a removing, or razing 50 % or more of a building, or commencing the work of total or substantial destruction with the intent of completing the same.
2. "Open foundation excavation" shall be defined as an open and exposed excavation for the purpose of constructing or expanding a residential building foundation. Satisfaction of open foundation excavation requirements of this Article shall not be construed to satisfy any additional requirements set forth in Title V Article 3 of these bylaws.
3. "Large additions" shall be defined as an alteration or addition in any residential district which increases the size of a building by 750 square feet or more, or by 50% or more of the existing building's gross floor area.

**C. Site Maintenance Requirements**

Throughout the course of any demolition, open foundation excavation, new construction, or large addition project as defined herein, the primary contractor, builder, or developer shall be required to keep the residential construction in neat and

orderly condition. Specifically, the construction site shall be required to be maintained as follows:

1. All waste shall be managed and secured daily so as not to impact site abutters or the surrounding area and at a minimum, dumpsters shall be cleaned or removed every thirty (30) calendar days;
2. Portable restrooms shall be secured, maintained, free from the public way and placed at least ten (10) feet from adjacent residential properties unless otherwise permitted by the Town through the Building Inspector or his or her designee;
3. Construction equipment and materials shall be stored in safe, secure and non-obstructive locations on the site or as otherwise permitted by the Town through the Building Inspector or his or her designee;
4. Construction equipment and materials no longer to be used on the site, shall be removed from the site within 14 calendar days, unless otherwise permitted by the Town through the Building Inspector or his or her designee;
5. A drive entrance pad, or its equivalent, shall be placed, utilized, and maintained on site to provide an area where construction vehicles entering and exiting the building site can remove mud and sediment from tires prior to driving on public or private ways, unless determined technically infeasible by the Building Inspector or his or her designee;
6. In interests of public safety and protecting abutting property owners, lateral supports shall not be removed from any footing or foundation without first protecting such footings or foundations against settlement or lateral translation.

#### D. Violations and Fines

Violations of the foregoing requirements shall be determined by the Inspectional Services Department. A fine of \$50 per category of violation per day for the first seven (7) calendar days of such violations or violations shall be imposed upon notification of the Building Inspector. A fine of \$100 per category of violation or violations per day shall be imposed thereafter until conditions are corrected and the construction site is in compliance with each of the foregoing requirements.

(4-0) Mr. Greeley was absent.

**COMMENT:** The Board of Selectmen also recommends favorable, consolidated action on Articles 12 and 13, through the creation of a new Article 9 under Title VI to mandate rules of residential project site maintenance and care, which will mitigate adverse impacts on direct abutters and the Town generally. The proposal sets forth a series of straightforward rules

covering a wide range of issues the Town and the Residential Study Group has received feedback on as problematic during the course of construction.

**ARTICLE 14 BYLAW AMENDMENT/RESIDENTIAL CONSTRUCTION, OPEN EXCAVATION, AND DEMOLITION ACTIVITY REGULATIONS: NOISE ABATEMENT**

**VOTED:** That Title V, Article 12, Section 3.A. be and is hereby amended as follows:  
Section 3. Daytime-Only Activities.

The following acts are specifically prohibited.

A. Prohibited Times. Operating, or permitting the operation of, any of the following devices or vehicles;

1. before 8:00 A.M. or after 5:00 p.m. on Saturday, Sunday or legal holiday
2. before 7:00 8:00 A.M. or after 6:00 P.M. on all other days, or:
3. ~~after 8:00 P.M. on any day, in any zone in the Town:~~
  - a. Heavy equipment (as defined in Section 1), and
  - b. All electric motors or internal combustion engines, or other construction devices, tools or equipment, used in construction, drilling, demolition, maintenance, or earth moving, including but not limited to bulldozers, backhoes, concrete mixers, dump trucks, pneumatic tools, rollers, scrapers, air compressors, generators, jackhammers, cranes, pavement breakers, pile drivers, rock drills, and chainsaws.

(4-0) Mr. Greeley was absent.